

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES

Plaintiff(s),

No. 11-06444 (EDL)

v.

ORDER CONTINUING HEARING ON
MOTION FOR SUMMARY JUDGMENT AND
REQUIRING COUNSEL'S ATTENDANCE AT
HEARING

DAWN M. DAVIS

Defendant.

TO ALL PARTIES AND COUNSEL OF RECORD:

Plaintiff has filed a Motion for Summary Judgment which is set for hearing on October 14, 2014. Defendant's Opposition was due on September 23, 2014 but was not timely filed. On September 30, the Court received Defendant's "Response to Motion for Summary Judgment" and "Substitution of Attorneys" in the mail. Defendant's counsel Terence Rayner improperly mailed these documents directly to chambers instead of properly e-filing them pursuant to Local Rule 5-1, requiring the Court to process the documents into the Electronic Case Filing ("ECF") system on its own. Counsel is admonished to comply with all applicable federal and local rules, including those pertaining to filing documents with this Court.

Because Defendant's Response was filed more than a week late, Plaintiff shall have until October 7, 2014 to file its Reply. The hearing on Plaintiff's Motion for Summary Judgment is continued until 2:00 p.m. on October 21, 2014.

Defendant also mailed a document entitled "Substitution of Attorneys" purporting to substitute herself in pro per in place of her current counsel. Given that Defendant's counsel prepared the Response to the Motion for Summary Judgment on her behalf and pro se Defendant may not be able to defend the

arguments made in the response without the assistance of counsel who drafted the response, Mr. Rayner is Ordered to appear at the hearing on the Motion for Summary Judgment prior to withdrawing as counsel.

IT IS SO ORDERED.

Dated: October 1, 2014


ELIZABETH D. LAPORTE
United States Chief Magistrate Judge